

AMENDED IN ASSEMBLY JUNE 28, 2004

AMENDED IN ASSEMBLY MAY 24, 2004

**SENATE BILL**

**No. 1826**

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**Introduced by Senator Poochigian**

February 20, 2004

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An act to amend Sections 19205, 19261, 19322, 19342, 19348, 19349, 19350, 19354, and 19404 of, *and to amend the heading of Article 7 (commencing with Section 19320) of Chapter 5 of Part 3 of Division 9 of*, the Food and Agricultural Code, relating to animals.

LEGISLATIVE COUNSEL'S DIGEST

SB 1826, as amended, Poochigian. Dead animals.

Existing law generally regulates the business of transporting the carcasses of dead animals. Existing law prohibits any dead hauler or any other person from transporting any dead animal to any place, except for burial on his or her own property, other than to a licensed rendering plant, a licensed collection center, an animal disease diagnostic laboratory or the nearest crematory. Existing law makes a violation of these provisions a crime.

This bill would authorize the State Veterinarian to grant a waiver of the above provisions in conjunction with a quarantine of ill or infected animals. The bill would require that the animal disease diagnostic laboratory to which the dead animal is transported be acceptable to the Department of Food and Agriculture. This bill would declare that nothing in these provisions is intended to conflict with any state or federal environmental or zoning law or to prohibit an owner of a live animal from burying the animal on the owner's property after the animal dies, if the burial is within 3 miles of where the animal died. *The*

*bill would revise these provisions to refer instead to dead animal haulers and would make conforming changes to related provisions.* Because this bill would change the definition of an existing crime, it would impose a state-mandated local program.

This bill would also make several technical, nonsubstantive changes to these provisions.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 19205 of the Food and Agricultural  
 2 Code is amended to read:  
 3 19205. “Dead animal hauler” means any person or company  
 4 that engages in the business of transporting the carcasses of dead  
 5 animals.  
 6 SEC. 2. Section 19261 of the Food and Agricultural Code is  
 7 amended to read:  
 8 19261. The application for a license shall be in a form which  
 9 is prescribed by the secretary and shall contain the following:  
 10 (a) The name and address of the applicant.  
 11 (b) Where each processing plant in which he intends to operate  
 12 is located and to whom it belongs.  
 13 (c) The experience the applicant has in processing.  
 14 (d) What interest or control the applicant has in any dead  
 15 animal hauler, rendering plant, or collection center.  
 16 ~~(e) Such other information as the director may, by regulation,~~  
 17 ~~require.~~  
 18 ~~SEC. 3.~~  
 19 ~~(e) Any other information that the secretary may, by regulation,~~  
 20 ~~require.~~  
 21 SEC. 3. The heading of Article 7 (commencing with Section  
 22 19320) of Chapter 5 of Part 3 of Division 9 of the Food and  
 23 Agricultural Code is amended to read:  
 24

Article 7. Dead *Animal* Haulers

SEC. 4. Section 19322 of the Food and Agricultural Code is amended to read:

19322. The secretary, after notice and hearing, may refuse to issue a license unless he finds that the applicant:

(a) Is properly equipped to engage in the business of dead animal hauling.

(b) Has never been convicted of a felony involving adulterated or misbranded food.

(c) Demonstrates character, responsibility, and good faith suitable for carrying on the business to be licensed.

~~SEC. 4.~~

SEC. 5. Section 19342 of the Food and Agricultural Code is amended to read:

19342. No slaughterer shall pick up or receive any dead animal at his slaughterhouse except those which have died en route and such animals shall be transported directly and without delay to a licensed rendering establishment, however apparently healthy animals transported by a person other than a dead animal hauler, found to have just expired on arrival due to injuries during transportation may be immediately slaughtered under conditions specified by the secretary which will conform to the purposes of this chapter.

~~SEC. 5.~~

SEC. 6. Section 19348 of the Food and Agricultural Code is amended to read:

19348. (a) Unless a waiver is granted by the State Veterinarian in conjunction with implementation of Section 9562, no dead animal hauler or any other person shall transport any dead animal to any place, other than to a licensed rendering plant, a licensed collection center, an animal disease diagnostic laboratory acceptable to the department, or the nearest crematory.

(b) Nothing in this section shall be interpreted to conflict with any state or federal environmental or zoning law, or to prohibit an owner of a live animal from burying the animal on the owner's property after the animal dies if the burial is within three miles of where the animal died.

~~SEC. 6.~~

SEC. 7. Section 19349 of the Food and Agricultural Code is amended to read:

1 19349. All trucks and every licensed premises of a dead  
2 animal hauler shall be inspected by the bureau at least once a year  
3 before the license is renewed and at other times as the secretary  
4 deems necessary.

5 ~~SEC. 7.~~

6 *SEC. 8.* Section 19350 of the Food and Agricultural Code is  
7 amended to read:

8 19350. Vehicles used for dead animal hauling shall be  
9 completely unloaded, cleaned, and disinfected at the rendering  
10 plant.

11 ~~SEC. 8.~~

12 *SEC. 9.* Section 19354 of the Food and Agricultural Code is  
13 amended to read:

14 19354. A dead animal hauler shall register each vehicle used  
15 to transport dead animals with the bureau.

16 ~~SEC. 9.~~

17 *SEC. 10.* Section 19404 of the Food and Agricultural Code is  
18 amended to read:

19 19404. Every dead animal hauler shall keep a record when  
20 and where each carcass is picked up and delivered. The record  
21 shall be kept for a period of one year, and open to inspection by any  
22 agent of the department.

23 ~~SEC. 10.~~

24 *SEC. 11.* No reimbursement is required by this act pursuant  
25 to Section 6 of Article XIII B of the California Constitution  
26 because the only costs that may be incurred by a local agency or  
27 school district will be incurred because this act creates a new crime  
28 or infraction, eliminates a crime or infraction, or changes the  
29 penalty for a crime or infraction, within the meaning of Section  
30 17556 of the Government Code, or changes the definition of a  
31 crime within the meaning of Section 6 of Article XIII B of the  
32 California Constitution.

